

01-25-06

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. ....10/609,282  
 Confirmation No. ....8289  
 Filing Date .....June 26, 2003  
 Inventor .....Y.J. Hu  
 Assignee .....Micron Technology, Inc.  
 Group Art Unit.....2812  
 Examiner .....Lynne Ann Gurley  
 Attorney's Docket No. ....MI22-2266  
 Customer No. ....021567  
 Title: Methods Of Forming Metal Silicide

## PETITION TO THE COMMISSIONER UNDER THE AUTHORITY OF 37 C.F.R. §1.181

To: Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

From: David G. Latwesen (Tel. 509-624-4276; Fax 509-838-3424)  
 Wells St. John P.S.  
 601 W. First Avenue, Suite 1300  
 Spokane, WA 99201-3828

Applicant hereby petitions the Commissioner to withdraw a holding of abandonment pertaining to U.S. Patent Application Serial No. 10/609,282. Submitted herewith is a "Notice of Abandonment" mailed by the Patent Office on January 19, 2006 pertaining to U.S. Patent Application Serial No. 10/609,282. Also submitted herewith is a Transmittal for a "Response to June 30, 2005 Office Action" filed by Applicant on August 3, 2005; a copy of the "Response to June 30, 2005 Office Action" that accompanied the Transmittal; and a copy of an Auto-Reply Facsimile Transmission from the USPTO evidencing that the Response and Transmittal were filed on August 3, 2005.

EV633204135

The Patent Office has erroneously held that Patent Application Serial No. 10/609,282 went abandoned due to Applicant's failure to respond to the June 30, 2005 Office Action. The error in the Patent Office's holding of abandonment is evidenced by the accompanying Transmittal, Response and Auto-Reply Facsimile; all of which evidence that Applicant's response to the Office Action was properly filed on August 3, 2005. Applicant therefore respectfully requests that the Patent Office correct its error by withdrawing the holding of abandonment pertaining to U.S. Application Serial No. 10/609,282, and consider the Response that applicant filed on August 3, 2005.

Applicant believes that no fees are due to have this Petition considered and granted. In the event that the Examiner disagrees, Applicant requests a telephone call to the undersigned (509-624-4276).

Respectfully submitted,

Dated: JANUARY 24, 2006

By: 

David G. Latwesen, Ph.D.  
Reg. No. 38,533

Encl. *Copy of Notice of Abandonment*  
*Copy of Transmittal*  
*Copy of Response to June 30, 2005 Office Action*  
*Copy of Auto-Reply Facsimile Transmission*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,282	06/26/2003	Yongjun Jeff Hu	MI22-2266	8289

21567 7590 01/19/2006  
WELLS ST. JOHN P.S.  
601 W. FIRST AVENUE, SUITE 1300  
SPOKANE, WA 99201

EXAMINER
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GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
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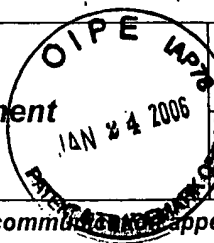
2812

DATE MAILED: 01/19/2006

COPY

Please find below and/or attached an Office communication concerning this application or proceeding.

EV633204135

**Notice of Abandonment**

Application No.

10/609,282

Examiner

Lynne A. Gurley

Applicant(s)

HU, YONGJUN JEFF

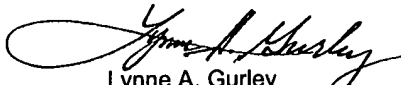
Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

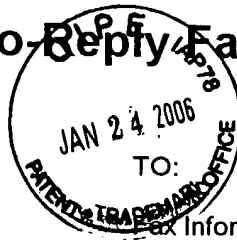
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 June 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Lynne A. Gurley  
Primary Patent Examiner  
Art Unit: 2812

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# Auto-Reply Facsimile Transmission



Fax Sender at 5098383424

Fax Information  
Date Received:  
Total Pages:


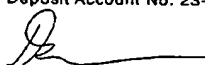
8/3/2005 12:23:26 PM [Eastern Daylight Time]  
8 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Cover  
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08/03/2005 09:22 FAX 5098383424		WHICH ST JOHN PA	001/008
<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>			
Patent Application Serial No.	10/609,282		
Confirmation No.	8289		
Filing Date	June 26, 2003		
Inventor	Y. J. Hu		
Assignee	Micron Technology, Inc.		
Group Art Unit	2812		
Examiner	Lynne Ann Gurley		
Attorney Docket No.	MI22-2266		
Title: Methods of Forming Metal Silicide			
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450			
<b><u>CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8</u></b>			
I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at (571) 273-8300 on the date shown below:			
1. Certificate of Facsimile Transmission			
2. Response to June 30, 2005 Office Action			
Dated: August 3, 2005	By:	 Jennifer Gaines, Legal Assistant Telephone No. (509) 624-4276 Facsimile No. (509) 838-3424	
<b>FEE DEFICIENCY</b>			
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 23-0925.			
Dated: August 3, 2005	By:	 David G. Latwesen, Ph.D. Reg. No. 38,533	
NUMBER OF PAGES IN FACSIMILE: 8			
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1			
PAGE 18 - RCVD AT 8/3/2005 12:23:26 PM RECEIVED BY FAX FROM FAX NO. 5098383424 - CREDIT: 2738300 - CREDIT: 001/008 - DURATION: 00:01:31:49			

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO	1799
RECIPIENT ADDRESS	#74415712738300
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TIME USE	01'43
PAGES SENT	8
RESULT	OK

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Jennifer Gaines, Legal Assistant  
Telephone No. (509) 624-4276  
Facsimile No. (509) 838-3424

**FEE DEFICIENCY**

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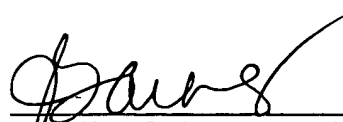
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Dated: August 3, 2005

By:



David G. Latwesen, Ph.D.  
Reg. No. 38,533

NUMBER OF PAGES IN FACSIMILE: 8